

QUIET TITLE ACTION TO RESOLVE TITLE TO THREE TAX
LOTS IN HOBSON, MOCCASIN, AND BENCHLAND, MONTANA.

The Department is seeking permission to file a quiet title action to clarify the title to three lots of land within Hobson, Moccasin, and Benchland, Montana, respectively. The State acquired these lots from the estates of Johan and Fern Slenes. The lots were acquired by the Slenes' by tax title, which has not been fully perfected. Similarly, the conveyance from the estate of Johan Slenes was imperfect. After clarifying the title to these lands, the Department will convey the respective lots to high bidders, who have offered to purchase them once title is resolved.

The Department requests the Board's permission to file the above-captioned quiet title action in order to help resolve the above-described title question.

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MONTANA TENTH JUDICIAL DISTRICT COURT, JUDITH BASIN COUNTY

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|--|---|----------------|
| STATE OF MONTANA, STATE BOARD |) | |
| OF LAND COMMISSIONERS, |) | |
| |) | |
| Plaintiff, |) | Cause No. |
| |) | |
| vs. |) | COMPLAINT TO |
| |) | QUIET TITLE TO |
| The Heirs of JOHAN C. SLENES, CLIFFORD L. |) | REAL PROPERTY |
| BLAIR, NELL N. BLAIR, ANDREW MARK |) | |
| HOWARD, CHRISTINA HOWARD, |) | |
| DON L. HAJENGA, LAWRENCE A. WATSON, |) | |
| MARY L. WATSON, LAWRENCE A WATSON, |) | |
| JR., JAMES F. MOONEY, LYLE A PERRY, |) | |
| NEVA M. PERRY, and all persons, unknown, |) | |
| claiming or who might claim, any right, title, estate, |) | |
| or interest in or lien or encumbrance upon the lands |) | |
| described in the complaint adverse to plaintiff's |) | |
| ownership or any cloud upon plaintiff's title thereto, |) | |
| whether such claim or possible claim be present or |) | |
| contingent, |) | |
| |) | |
| Defendants. |) | |
| |) | |

The Plaintiff, the State of Montana, State Board of Land Commissioners for its
cause of action against the above-named Defendants, asserts and alleges the following:

1. The Plaintiff, the State Board of Land Commissioners is a board
established pursuant to Article X, Section 4 of the 1972 Montana
Constitution, which has the duty and authority under Section 77-1-202,

MCA, to manage and control those state lands described within Section 77-1-101(6)(iii), MCA: lands belonging to the State by operation of law.

2. Pursuant to Section 77-1-301, MCA, the Plaintiff, Montana Department of Natural Resources and Conservation, is an executive agency of the State of Montana under the direction of the Plaintiff, Montana Board of Land Commissioners;
3. Prior to their deaths, Johan and Fern Slenes obtained a tax-title to the lands described herein from Judith Basin County;
4. The State of Montana is currently the sole and exclusive owner of Lots 11 and 12, within Block 31 of the original townsite of Hobson, Montana in Judith Basin County, Montana, and it claims title to these lands as a Grantee of a quit-claim deed dated January 22, 1974 from John Slenes as Attorney-in-fact for Johan Slenes and as executor of the Estate of Fern Slenes, said deed having been recorded at Page 591 of Book 161 of the records of the Judith Basin County Clerk and Recorder's Office. Johan and Fern Slenes, as Grantees, had obtained two Tax Deeds for this property from Judith Basin County, as Grantor, one dated December 8, 1960 recorded at Page 107, Book 140 of the Judith Basin Clerk and Recorder's records, the other dated November 20, 1959 and recorded at Page 213 of Book 111 of the Judith Basin Clerk and Recorder's records;
5. Should the State of Montana have good title to the above-described lands in the town of Hobson, it has contracted with John H. Anderson to convey

the State's title to John H. Anderson, subject to the State's reservation of minerals as set out in Section 77-2-304, MCA ;

6. The State of Montana is currently the sole and exclusive owner of Lots 9, 10, 11, and 12, within Block 4 of the First Addition to the town of Moccasin, Judith Basin County, Montana, and it claims title to these lands as Grantee of a quit-claim deed dated January 22, 1974 from John Slenes as Attorney-in-fact for Johan Slenes and as executor of the Estate of Fern Slenes, said deed having been recorded on Page 591 of Book 161 of the records of the Judith Basin County Clerk and Recorder's Office. Johan and Fern Slenes obtained two Tax Deeds for this property from Judith Basin County: one deed dated December 8, 1960, which was recorded at Page 107 of Book 140 of the records of the Judith Basin Clerk and Recorder's Office; and one dated November 20, 1959 having been recorded on Page 227 of Book 111 of the records of the Judith Basin Clerk and Recorder's Office, respectively;
7. Should the State of Montana have good title to the above-described lands in the town of Moccasin, it has contracted with Lyle and Neva Perry to convey the State's title to Lyle and Neva Perry, subject to the State's reservation of minerals as set out in Section 77-2-304, MCA.
8. The State of Montana is currently the sole and exclusive owner of Lots 1 and 2, within Block 14, of Brown's First Addition to the town of Benchland, Judith Basin County, Montana and it claims title to these lands as the Grantee of a quit-claim deed dated January 22, 1974 from John

Slenes as Attorney-in-fact for Johan Slenes and as executor of the Estate of Fern Slenes, said deed being filed in Page 591 of Book 161 of the records of the Judith Basin Clerk and Recorder's Office. Johan and Fern Slenes, as Grantees, had obtained two Tax Deeds for this property from Judith Basin County, as Grantor, one dated December 8, 1960 recorded at Page 107, Book 140 of the Judith Basin Clerk and Recorder's records, the other dated November 20, 1959 and recorded at Page 213 of Book 111 of the Judith Basin Clerk and Recorder's records;

9. Should the State of Montana have good title to the above-described lands in the town of Benchland, it has contracted with Don and Debra Hajenga to convey the State's title to Don and Debra Hajenga, subject to the State's reservation of minerals as set out in Section 77-2-304, MCA.
10. That, subject to the contingent rights to purchase the disputed lands set forth in paragraphs five, eight, and nine above, the State of Montana has exclusive title to the above-described lands, within Judith Basin County, Montana, and the State's title is superior to that of the above-described Defendants and all other persons or legal entities, known and un-known.

JURISDICTION

11. The Plaintiffs incorporate paragraphs one through 20 of this Complaint, above, as if fully set out herein, and further allege;
12. This Court has jurisdiction to adjudicate the ownership to the above-described lands in Judith Basin County, Montana.

NOW, THEREFORE , the Plaintiff, the State of Montana requests judgment as follows:

1. That the Court quiet title to the State of Montana, and confirm its exclusive ownership of the above-described lands in Judith Basin County, Montana, subject to the contingent rights of the above-described purchasers to purchase these lands should the State hold good title to the disputed lands.

2. That the Court declare the claims of all other persons, known or unknown, to be void and without any right, title or interest in or to the above-described lands.

DATED this ____ day of September, 2007

By: _____
Tommy H. Butler
Special Assistant Attorney General
Attorney for the Montana Board of Land Commissioners